

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

ROBERT PETERSON,  
Plaintiff,

v.

SAM'S EAST, INC. d/b/a SAM'S CLUB,  
COSCO HOME & OFFICE PRODUCTS  
and DOREL JUVENILE GROUP, INC.,  
Defendants.

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EP-07-CV-258-PRM

FILED  
2009 JAN 30 PM 3:06  
CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_ DEPUTY

**ORDER VACATING JUDGMENT AND DISMISSING CASE WITH PREJUDICE**

On this day, the Court considered the parties' "Joint Motion to Vacate Judgment and Dismiss with Prejudice," filed on January 30, 2009, in the above-captioned cause. Therein, the parties request that the Court vacate the judgment and dismiss this cause with prejudice with each party to bear its own costs and fees. After due consideration, the Court is of the opinion that it should vacate the judgment and dismiss this cause with prejudice.

Accordingly, **IT IS ORDERED** that the parties' "Joint Motion to Vacate Judgment and Dismiss with Prejudice" (Docket No. 210) is **GRANTED**.

**IT IS FURTHER ORDERED** that the Judgment signed December 3, 2008, and entered December 5, 2008, (Docket No. 195) in this cause is **VACATED**.

**IT IS FURTHER ORDERED** that the above-captioned cause be, and hereby is, **DISMISSED WITH PREJUDICE** with each party to bear its own costs and fees.

**IT IS FINALLY ORDERED** that all pending motions, if any, are **DENIED AS MOOT**.

SIGNED this 30 day of January, 2009.

  
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PHILIP R. MARTINEZ  
UNITED STATES DISTRICT JUDGE